



THE VICTORIAN BAR INCORPORATED

**SUBMISSION TO HIS
HONOUR CORONER
SIMON MCGREGOR**

RESPONSE TO THE
RECOMMENDATIONS IN THE
CORONIAL INQUEST INTO THE DEATH
IN CUSTODY OF VERONICA NELSON

REF: COR 2020 000021

INTRODUCTION

1. The Victorian Bar (the **Bar**) welcomes the opportunity to provide a submission to his Honour Coroner Simon McGregor in response to his Honour's recommendations in the coronial inquest into the death in custody of Veronica Nelson.
2. Thank you for the letter to Sam Hay KC, President of the Bar, dated 30 January 2023 inviting the Bar's response. The Bar has considered his Honour's recommendations and confirms that an alternative to the Coroner's recommendations will be implemented.

ACKNOWLEDGEMENT

3. The Bar acknowledges the contributions of its Veronica Nelson Inquest Response Working Group (the **Working Group**), Chaired by Mr Richard Dalton KC, in the preparation of this submission. The Working Group is comprised of representatives from the Bar's Human Rights Committee, CPD Committee, Indigenous Justice Committee, Readers' Course Committee and the Criminal Bar Association.

COMMENTS IN RESPONSE

PART I. INTRODUCTION AND BACKGROUND

The Victorian Bar

- 1.1 The Bar is a professional association representing more than 2,000 barristers in Victoria. The Bar is an incorporated association governed by its Constitution and the *Associations Incorporation Reform Act 2012* (Vic), and its activities are managed by the Bar Council.
- 1.2 Importantly, the Bar also performs several regulatory functions under the *Legal Profession Uniform Law (Uniform Law)* in its capacity as delegate of the Victorian Legal Services Board (**VLSB**). This includes the issuing of barristers' practising certificates, the monitoring of compliance with Continuing Professional Development (**CPD**) obligations, and the approval of appropriate people as barristers' clerks.
- 1.3 As at 8 March 2023, there are 2,198 practising members of the Bar. Of those practising members, there are at least eight members who are Indigenous.
- 1.4 The Bar, with the support of its Indigenous Justice Committee (**IJC**), runs an Indigenous clerkship program and legal mentoring program for Indigenous law students or graduates.
- 1.5 The Bar and the Law Institute of Victoria have also developed, with the assistance of Indigenous members of the Bar, the Indigenous Equal Opportunity Briefing Policy that aims to:
 - promote equal opportunity for Indigenous barristers;
 - enable legal practitioners and their clients to opt to brief Indigenous barristers at the Bar;
 - encourage members of the legal profession to play a role in addressing under-representation of Indigenous Australians in the legal profession; and

- increase awareness of the presence of Indigenous barristers practising at the Bar.

1.6 In addition to the various committees that operate under the auspices of the Bar Council, there are ten Bar Associations that bring together groups of barristers based on specialisation and areas of practice. At present, the Bar's current Bar Associations are:

1. Children's Court Bar Association
2. Commercial Bar Association
3. Common Law Bar Association
4. Compensation Law Bar Association
5. Criminal Bar Association
6. Family Law Bar Association
7. Industrial Bar Association
8. Migration Law Bar Association
9. Tax Bar Association
10. Women Barristers' Association

1.7 Members of these associations share resources and knowledge and discuss latest cases and issues affecting their areas of legal practice, including law reform. The Bar's CPD Program relies mainly on these associations to develop and deliver CPD sessions relevant to barristers' practices.

The Inquest

1.8 On 29 April 2022, his Honour Coroner McGregor commenced the hearings for the inquest into the death of Veronica Nelson - a Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman.

1.9 The factual history leading up to Ms Nelson's tragic death is detailed in his Honour's report. By way of summary only:

- a) In the early afternoon of 30 December 2019, Ms Nelson was arrested at Southern Cross train station in respect of outstanding warrants. Thereafter she was conveyed to Melbourne West Police Station, where the outstanding warrants were executed and she was interviewed about alleged shop thefts that had occurred in October and November 2019.
- b) Following the police interview, a decision was made by police to remand Ms Nelson. At approximately 7:20pm on 30 December 2019, Ms Nelson was transferred from Melbourne West Police Station to the Melbourne Custody Centre beneath the Magistrates' Court of Victoria, sitting at Melbourne. Ms Nelson's matter was not reached by the Bail and Remand Court and she was remanded overnight.
- c) On 31 December 2019, Ms Nelson's solicitor briefed counsel to appear for her in an application for bail. Ultimately, however, Ms Nelson made an in-person (unrepresented) application for bail. Under the applicable bail laws, to be granted bail, Ms Nelson needed to satisfy the Magistrate of "exceptional circumstances" applying to her, and that she did not pose an unacceptable risk. Ms Nelson did not satisfy the Magistrate of these matters, and her application for bail was refused. Ms Nelson was

remanded into custody to appear at the Magistrates' Court of Victoria at Shepparton on 13 January 2020.

- d) Following her unsuccessful bail application, Ms Nelson was transported to Dame Phyllis Frost Centre (DPFC). Upon her arrival at DPFC, Ms Nelson was placed in a holding cell until she could undergo a medical assessment. She was seen by a doctor and returned to a holding cell. Over the course of 1 January 2020 and into the early hours of 2 January 2020, Ms Nelson repeatedly advised prison staff that she was unwell.
- e) At 7:55am on 2 January 2020, Ms Nelson was found by two prison officers on floor of her cell. A 'Code Black' medical emergency call was made, but unfortunately Ms Nelson was unable to be revived.

1.10 On 30 January 2023, following a coronial inquest into the circumstances leading to Ms Nelson's death, his Honour Coroner McGregor delivered his findings.¹ Relevantly, his Honour made the following findings and observations regarding the role of counsel who had appeared for and provided advice to Ms Nelson following her arrest:

[315] The short time [counsel] spent with Veronica to consider an application for bail suggests he was not alert to her vulnerability as an Aboriginal woman in custody. It may be inferred from his reporting email to Ms Prior that [counsel] found Veronica challenging; he described her as "quite aggressive and dismissive." [Counsel] gave evidence that he does not deal with many female Aboriginal clients and could not recall receiving any cultural training that would assist him to manage this client group.

[316] It is incumbent upon the legal profession to ensure that lawyers who work with clients in Veronica's position are alert to the range of challenges faced by an Aboriginal woman with a drug dependency in the criminal justice system and equipped to manage the barriers that might impede her capacity to provide instructions. In my view, legal practitioners would be aided by relevant training when they commence legal practice and refresher training at regular intervals throughout their careers.

1.11 His Honour made the following relevant recommendations:²

[16] I recommend that the Victorian Legal Admissions Board consider requiring that Practical Legal Training course providers deliver compulsory Aboriginal and Torres Strait Islander cultural awareness training as part of the curriculum.

[17] I recommend that the Legal Services Board and Commissioner and the Victorian Bar consider including Aboriginal and/or Torres Strait Islander cultural awareness training as mandatory requirements of continuing professional development for practising legal practitioners.

¹ *Inquest into the Passing of Veronica Nelson* COR 2020 0021 (Coroner McGregor).

² *Ibid*, 'Appendix C', [16]-[17] (Coroner McGregor).

1.12 In response to his Honour’s findings and recommendations, the Bar Council of the Victorian Bar established the Veronica Nelson Inquest Response Working Group (**Working Group**). Chaired by Richard Dalton KC, the Working Group comprised members from the Bar Council and various Bar committees, including the IJC, the Human Rights Committee and the Readers Course Committee. With the assistance of the Working Group, the Bar provides its response to Recommendations 16 and 17 of the Coroner’s Report by way of this Report.

PART II. TERMS OF REFERENCE AND CONSULTATION

Terms of Reference

2.1 On 2 March 2023, the Bar Council approved the following Terms of Reference:

1. Provide an overview of the cultural awareness training currently provided by the Victorian Bar, and provide context to those programs and identify any issues.
2. Provide targeted and practical recommendations relating to potential improvements, adjustments, or more focused training at the Bar in respect of:
 - i. the requirements for obtaining an Indictable Crime Certificate;
 - ii. sessions provided during the Readers’ Course;
 - iii. CPD sessions provided;
 - iv. any other educational [sic] or training offered by the Bar.
3. A clearly stated position with reasoning for adoption by the Bar Council with respect to the proposed response to Coroner McGregor’s recommendations, in consultation with the Victorian Legal Services Board.
4. Recommendations with respect to the implementation and imbedding of the Working Group’s recommendations (subject to Bar Council approval).

Consultation

2.2 In preparing this Report, through the auspices of the Working Group, the Bar sought input and comments from a wide range of stakeholders including Bar committees and associations, Victoria Legal Aid (**VLA**), numerous Aboriginal legal service providers, and barristers’ clerks. In a letter dated 3 March 2023, Sam Hay KC (in his capacity as President of the Victorian Bar) and Richard Dalton KC (in his capacity as Chair of the Working Group) jointly wrote to those stakeholders seeking their input. Attached at **Schedule 1** is a copy of a list of the stakeholders who were sent this correspondence (noting where a response was received by the Bar from that stakeholder). The Bar is grateful to all stakeholders for their valuable input and insights.

PART III. TRAINING IN INDIGENOUS CULTURAL AWARENESS/COMPETENCY

Nature and levels of training

3.1 In this Report, when reference is made to ‘Indigenous cultural awareness/competency training’, the Bar is referring to base level or foundational training about Indigenous culture and customs, colonisation and the

effects of government policies, and difficulties faced by Indigenous people in dealing with contemporary legal and societal systems and structures. This training is typically delivered by Aboriginal organisations.

- 3.2 Cultural *awareness* training typically involves a session of 1-2 hours. Cultural *competency* training tends to be more structured and modular, with a focus on building a consistent learning pathway tied to relevant competencies. An illustrative example of this latter type of training is the course titled “*Aboriginal and Torres Strait Islander Cultural Competence Course*”, run by the Victorian Aboriginal Legal Service (**VALS**), in conjunction with the Centre for Cultural Competence Australia (**CCCA**). On 29 June 2018, a notice was placed in the Bar’s weekly ‘InBrief’ email (#871), encouraging members to do this course. Dr Matt Collins AM KC (the then Bar President) described that course as follows:

The Victorian Aboriginal Legal Service (**VALS**) in conjunction with Centre for Cultural Competence Australia have developed a cultural competency course titled “*Aboriginal and Torres Strait Islander Cultural Competence Course*”. The course is mapped to three units of core competency and on completion participants will receive a Certificate of Completion from the Centre for Cultural Competence Australia. Participants will also receive a resource pack for their ongoing learning and reference, this will include course notes made during the course, personalised action plan, together with a number of fact sheets and additional resources.

This course has been developed for Indigenous and non-Indigenous Australians and for people living and working anywhere within Australia. Whether you are delivering services specifically to Aboriginal and Torres Strait Islander peoples, or someone working with the general public or you just want to know more about the Aboriginal and Torres Strait Islander people you live with, this course is for you.

It has been developed as a first step in a training pathway and as a pre-cursor to face-to-face, local and role specific cultural training. The course is designed to develop capabilities and build cultural competence whatever your level of knowledge in Aboriginal cultural education.

The cost is \$192.50 per person.

We would encourage you to consider undertaking the course in order to develop your ability to work with Aboriginal and Torres Strait Islander peoples in and out of the justice system, for further details please access <https://vals.ccca.com.au>.

- 3.3 On 9 September 2022, the Bar issued the following notice in the *InBrief* email (#1073), communicating the IJC’s recommendation to barristers to access Indigenous cultural awareness training from a range of external providers:

The Victorian Bar’s Indigenous Justice Committee recommends Members of Counsel undertake cultural awareness training to enhance their understanding of Aboriginal and Torres Strait Islander culture, practices and history. Good cultural awareness enhances legal practice, client communication and knowledge of the history and customs of Indigenous people.

The Indigenous Justice Committee is aware of multiple external cultural awareness training courses that barristers can undertake, catering to all levels. The courses vary in length and cost.

In 2022, a legal profession-specific consultation on access to cultural awareness training is being undertaken by Victoria Legal Aid. The Indigenous Justice Committee is an active participant in these discussions and will update members if new avenues for lawyer-specific training emerge.

In the meantime, counsel may consider contacting the following providers to arrange attending a cultural awareness training session: *[with hyperlinks provided]*

[Kinaway](#)

[Koori Heritage Trust](#)

[Evolves Communities](#)

[Victorian Aboriginal Community Services Association \(VACSAL\)](#)

[Kellawan – Contact Wanda Braybrook or Kelly Faldon via the offices of Djirra](#)

[Tarrina Fanning Aboriginal Consulting Training Services.](#)

- 3.4 Beyond this foundational training, there are training courses offered by external providers, including the VALS/CCCA, which involve flexible modules to build Indigenous cultural competency that is local-specific to regions, role-specific to professions or job roles, or tailored to systems and service provision. Hence, the basic foundational training can take various forms and be tailored to specific learning objectives.
- 3.5 There is scope for the Bar to provide ‘role-specific’ learning opportunities in this area. That is, foundational training in Indigenous cultural awareness/competency can be built upon with practical, forensic and contextual CPD sessions in the ‘barrister’s skills’ and ‘substantive law’ categories. For example, CPD sessions on how to prepare a bail application or a plea could include instruction and guidance on providing effective representation for clients who may be disadvantaged in providing instructions and/or in accessing necessary support structures. That disadvantage could be related to Indigenous cultural issues and/or other vulnerabilities (victims of abuse, clients with drug abuse and withdrawal issues, clients with inadequate family support structures). Of course, issues of client vulnerability and disadvantage in this context are not confined to Indigenous clients. However, the over-representation of Indigenous people in the criminal justice system means that there is substantial overlap between barristers’ skills in dealing with those challenges and barristers’ skills in applying and developing learning in Indigenous cultural awareness/competency.
- 3.6 In addition, on the topic of substantive law, there may be a range of topics that relate to s 3A of the *Bail Act 1977* (Vic), which requires a bail decision-maker to consider an offender’s Aboriginality when determining a bail application. For example, a CPD topic could cover how to bolster a case for bail on that factor and/or how to challenge a judicial officer’s failure to have regard to that factor.
- 3.7 These “role-specific” or “applied learning” opportunities are not confined to barristers practising in criminal law. By way of further example, barristers practising in family law and/or the Children’s Court (in both the general criminal division and family and child protection division) are also likely to benefit from similar practical training that builds on the basic cultural competency training. These examples are by no means exhaustive.

EXISTING TRAINING IN CULTURAL AWARENESS/ COMPETENCY AT THE BAR

3.8 To date, the Bar has provided some limited training in Indigenous cultural awareness/competency. The Working Group found the following sessions were provided through the Bar's CPD Program and other educational offerings in recent years:

1. On 18 November 2022, the IJC hosted an event at the Bar entitled '*Uluru Statement from the Heart and Reconciliation: Senator Patrick Dodson*'. The presentation was by Senator Patrick Dodson, Senator for Western Australia (Special Envoy for Reconciliation and the Implementation of the Uluru Statement from the Heart) and Anne Sheehan (Co-Chair, Indigenous Justice Committee).
2. On 24 August 2022, the IJC, Human Rights Committee, Criminal Bar Association and Children's Court Bar Association hosted a CPD entitled '*Raising the Age of Criminal Responsibility*'. The CPD was chaired by Julie Buxton, and presenters included the Honourable Paul Grant, Former President of the Children's Court, and Sheryl Batchelor, Founder and Director of Yiliyapinya Indigenous Corporation.
3. On 1 June 2022, the IJC hosted a CPD entitled '*Current challenges in the justice system faced by Aboriginal children and young people*' (<https://cpd.vicbar.com.au/course/view.php?id=9287>).
4. On 2 June 2020, the IJC hosted a CPD entitled '*National Reconciliation Week – Recent legal developments impacting Aboriginal clients*', presented by her Honour Magistrate Falla, Nerita Waight and Moricia Vrymoet from VALS and Paul Kounnas from the Bar.
5. In 2019, a '*Cultural Awareness*' CPD was presented by the former Deputy Chairperson of the Victorian Multicultural Commission, Maria Dimopoulos AM. The seminar was described as follows:

The aim of this seminar is to provide barristers with a window into the dealing with culturally sensitive issues that arise in and around the court room particularly as they relate to culturally and linguistically diverse communities.

At the end of this session participants will have an improved understanding of how culture impacts on a person's behaviour and attitudes (communication styles, attitudes toward disclosure, attitudes toward conflict, decision making) and be able to avoid the uncritical application of information on cultures (stereotypes) by practicing conscious objectivity.

6. On 29 May 2019, the IJC and Equality & Diversity Committee hosted a CPD entitled '*Legal issues affecting Indigenous Australians*'. The CPD was chaired by her Honour Magistrate Burchill and presented by Patrick Warner from VALS, Alan Dewis from VLA and Terri Pollard and Kehndra Hooker from Djirra (formerly Aboriginal Family Violence Prevention Legal Service).
7. On 28 May 2018, the IJC hosted a CPD entitled '*Indigenous Incarceration Rates in Australia*',

presented by Raymond Gibson, Campbell Thomson, her Honour Magistrate Falla, The Honourable Geoffrey Earnes KC, Tim Goodwin and Ms Shahleena Musk (Human Rights Law Centre).

8. On 29 May 2017, the IJC provided a CPD entitled '*Current issues with Aboriginal cultural heritage in Victoria*', presented by Abigail Burchill (now her Honour Magistrate Burchill), Michelle Quigley QC (now her Honour Justice Quigley), and Marita Foley (now SC).

3.9 As noted earlier, the Bar has sent notices to barristers through the *InBrief* weekly email advertising external courses and encouraging barristers to undertake this training. Given the nature of foundational training, it is largely if not exclusively delivered by external organisations and presented by Indigenous people who draw upon their lived experience. There is only a small number of Indigenous barristers at the Bar, so any sustainable delivery of this training would likely require at least some collaboration with external providers (and would usually involve a fee). (This is addressed in the Working Group's Recommendations 1 and 3 below).

3.10 The Working Group received information from barristers' clerks (Foley's List and Green's List) as to some recent Indigenous cultural awareness training they had offered their list members.

PART IV. CPD LANDSCAPE

The Uniform Law

4.1 The *Legal Profession Uniform Law Application Act 2014* (Vic) (**Application Act**) provides the framework for regulation of the legal profession in Victoria. The Uniform Law that applies to Victoria is contained in Schedule 1 to the Application Act. The Uniform Law provides for the making of Legal Profession Uniform Rules, including rules for CPDs. Under s 52 of the Uniform Law, it is a condition for the grant of a practising certificate that a lawyer complies with the relevant CPD Rules.

4.2 New South Wales and Victoria have been participants of the Uniform Law Scheme since 2015. Western Australia joined in July 2022.

4.3 The Uniform Law establishes the Legal Services Council (**LSC**) and the Commissioner for Uniform Legal Services Regulation (**CULSR**), which provide general policy and oversight functions. There is a Uniform Law Standing Committee comprising the Attorneys-General from each participating jurisdiction.

CPD Rules³ – relevant provisions

4.4 There are Uniform CPD Rules for solicitors (*Legal Profession Uniform CPD (Solicitors) Rules 2015*) and for barristers (*Legal Profession Uniform CPD (Barristers) Rules 2015*) (**CPD Rules**). The respective CPD Rules for the two strands of the profession are very similar, although there are some functions delegated to the VLSB as the designated local regulatory authority.

4.5 Relevant provisions of the CPD Rules (incorporating amendments effective 13 December 2019) are:

³ *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015*.

5. Definitions

CPD activity means an activity which meets the requirements of rules 6 and 6A.

Designated local regulatory authority means a person or body specified or described in jurisdictional legislation as the relevant designated local regulatory authority for the purposes of section 44 of the Uniform Law.

Uniform Law means the Legal Profession Uniform Law as applied in a participating jurisdiction.

6. CPD content

- (1) CPD activities must be—
 - (a) of significant intellectual or practical content and must deal primarily with matters related to the practice of law, and
 - (b) conducted by persons who are qualified by practical or academic experience in the subject covered, and
 - (c) relevant to the barrister’s professional development needs in relation to the barrister’s practice of the law.
- (2) Individual barristers are responsible for ensuring that the CPD activity in question meets the CPD criteria, set out in rule 6(1), before claiming CPD points for that CPD activity.
- (3) Each designated local regulatory authority has the power to make policies pertaining to these Rules including—
 - (a) the power to impose a cap on the points that may be gained in any one CPD activity,
 - (b) the format of CPD activity,
 - (c) the audit process,
 - (d) the rectification plans for non-compliance.

6A. CPD format

A CPD activity may consist of:

[an extensive list of various formats of CPD activity is set out]

7. CPD point

One CPD point is earned for each completed hour of engagement in a CPD activity.

8. Annual requirements

- (1) Unless exempted in whole or in part by the designated local regulatory authority under rule 13, or unless a pro rata calculation applies under this rule, a barrister must in each CPD year engage in CPD activities sufficient to earn at least ten CPD points.

...

9. Categories of CPD

- (1) A barrister must, unless otherwise exempted, in each CPD year engage in CPD activities in each of the categories set out below—
 - (a) Ethics and Professional Responsibility,
 - (b) Practice Management and Business Skills,
 - (c) Substantive Law, Practice and Procedure, and Evidence,
 - (d) Barristers' Skills.
- (2) These categories are subject to any requirement of the designated local regulatory authority or legislation.

10

11 Additional CPD for new barristers

The designated local regulatory authority may, in addition, require that a barrister within the first three years of practice undertake additional CPD activities as determined, from time to time, by the designated local regulatory authority. This may include CPD activities specifically directed to new barristers.

....

13 Exemptions

- (1) On application by a barrister, the designated local regulatory authority may exempt the barrister in whole or in part from any requirement to undertake CPD activities imposed by these Rules.

...

14 Certification

At the same time as applying for renewal of their local practising certificates, barristers must certify to the designated local regulatory authority whether they have complied with these Rules in respect of the CPD year just ended.

15 Audit and verification

- (1) The designated local regulatory authority may conduct an audit to monitor compliance by a barrister with these Rules.
- (2) The designated local regulatory authority may require a barrister to verify within 21 days whether or not they have complied with these Rules,

16 Rectification

The designated local regulatory authority may give a written notice to a barrister who has—

- (a) certified he or she did not comply with these Rules, or
- (b) complied with verification requirements but the designated local regulatory authority is not satisfied the practitioner has complied with these Rules, or
- (c) failed to comply with the certification or the verification requirements, requiring him or her to submit a plan to the designated local regulatory authority within 21 days setting out the steps he or she intends to take to rectify the non-compliance.

Delegation⁴

4.6 As mentioned, pursuant to the Application Act, the VLSB is the designated local regulatory authority for the purposes of the Rules, and the Application Act is the Uniform Law for the purposes of the Rules in Victoria.⁵

4.7 Section 44(1) of the Application Act provides, *inter alia*,

44. Delegation

(1) The Victorian Legal Services Board, by instrument, may delegate to any of the following persons any function of the Victorian Legal Services Board, other than the functions specified in subsection (2)—

...

(d) a local professional association; ...”

4.8 Section 3 (definitions) of the Application Act defines the Bar as a local professional association.

4.9 The Delegation relevantly provides:

1. This instrument revokes all previous delegations conferred on Victorian Bar Inc (ABN 42 079 229 591) (“the Bar”) by the Victorian Legal Services Board (ABN 82 518 945 610) pursuant to section 44(1) of the *Legal Profession Uniform Law Application Act 2014 (Vic)*.
2. Pursuant to section 44(1) of the *Legal Profession Uniform Law Application Act 2014 (Vic)* (“the Act”), the Victorian Legal Services Board hereby delegates to the Bar its functions, duties and power hereinafter specified, only insofar as they apply to persons who engage in practice solely as Barristers, and subject to the conditions specified herein:

...

Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015

- Rule 13

⁴ *Instrument of Delegation to the Victorian Bar Inc by the Victorian Legal Services Board dated 29 May 2018 (the Delegation)*.

⁵ See definitions and the effect of provisions in ss 3, 4, 31 and schedule 1 of the Application Act.

- Rule 14
- Rule 15
- Rule 16.

Policies issued pursuant to rule 6(3)

- 4.10 The Bar and VLSB work collaboratively in the regulation of barristers in Victoria. In 2016, the Bar and the VLSB jointly developed a CPD policy known as “*The Victorian Bar Continuing Professional Development Policy*”, which supports the implementation of the Uniform Law and provides guidance to barristers on the operation of the *Legal Profession Uniform CPD (Barristers) Rules 2015*. The Bar and VLSB also conduct an annual review of the Bar’s delegations to identify any gaps and improvements.
- 4.11 The VLSB has a policy pursuant to rule 6(3) above, titled *Continuing Professional Development 2016*.⁶ It is not specifically addressed to barristers and does not affect the Bar’s obligations pursuant to the Delegation.

Consideration of the CPD Rules & Delegation

- 4.12 The effect of the legal framework above is:
- The CPD Rules, as with other Uniform Rules made pursuant to the Uniform Law, are the purview of the LSC and CULSR and the Standing Committee, and involve three participating jurisdictions; New South Wales, Victoria and Western Australia;
 - under the CPD Rules, individual barristers are responsible for ensuring that the CPD activity in question meets the CPD criteria, set out in rule 6(1), before claiming CPD points for that CPD activity (rule 6(2)), and one CPD point may be claimed for each hour of CPD activity undertaken (rule 7);
 - any policy setting under rule 6(3) remains the purview of the VLSB as the local regulatory authority, not the Bar;
 - the Bar may only exercise powers the subject of the Delegation, being the functions, duties and powers under rules 13 – 16 (exemptions, certification, audit and verification, rectification);
 - any requirement of new barristers pursuant to rule 11 of the CPD Rules remains the purview of the VLSB, not the Bar;
 - any new requirement of other barristers under the CPD Rules, including any mandatory component for CPDs, would be addressed at the Uniform Law level, with LSC and CULSR and the Standing Committee, involving the three participating jurisdictions.

PART V. KEY ISSUES AND RECOMMENDATIONS

- 5.1 The Bar should do more to provide Indigenous cultural awareness and competency training. In the consultations conducted by the Working Group, there has been broad acceptance and acknowledgment that training and

⁶ Policy-Continuing_Professional_Development-2016.pdf (lsbc.vic.gov.au). That policy deals with a range of matters referred to in r 6(3) and is required to be read in conjunction with them. There is one provision dealing with whether a particular activity is a CPD activity.

education about these matters is important and welcomed by stakeholders.

5.2 To that end, and in response to the finding and recommendations made by his Honour Coroner McGregor, the Bar adopts the recommendations and observations of the Working Group, which are set out as follows:

1. That the Bar Readers' Course curriculum incorporate dedicated and recognised training in Indigenous cultural awareness/competency

The Readers' Course curriculum includes a 'diversity and equality' session, which includes a discussion led by Timothy Goodwin, co-Chair of the IJC, on diversity, culture and inclusion. However, there is not a standalone session specific to training in Indigenous cultural awareness/competency. Under the Bar's Reconciliation Action Plan (RAP)⁷, there is a commitment to "[i]nclude at least one session on working with Aboriginal and Torres Strait Islander peoples in each readers' course curriculum."

Implementation of this recommendation would ensure that all barristers who sign the Bar Roll from October 2023 will have basic training in Indigenous cultural awareness/competency. The Readers' Course provides the best opportunity for the Bar to achieve, on its own initiative, a significant increase in the proportion of junior barristers who have training in Indigenous cultural awareness/competency that they can build upon with further practice specific CPDs.

It is noted that the Coroner's Recommendation 16, if implemented, would see all newly admitted legal practitioners having received this type of training as part of the pre-requisite practical legal training module. The Working Group considered that although this will benefit the legal profession in Victoria by increasing the number of new practitioners who have this training, many lawyers who apply to join the Bar in the next 5 years will have been admitted to practice before the implementation of this pre-requisite.

The precise content and format of the training will be a matter for the Readers' Course Committee to determine. Consultation should be undertaken with the IJC, as well as training providers or other legal services, such as VALS/CCCA, to ensure that the training is appropriate and comprehensive. It is preferable that the training be provided by an Indigenous community-controlled organisation or Indigenous owned business, and be tailored to the needs of lawyers, specifically barristers.

As stated at [3.9] above, given that the basic training in Indigenous cultural awareness/competency is mainly delivered by external organisations and there is limited capacity for the Bar to deliver equivalent course content, the Working Group considered that the Bar should:

- 1) explore partnerships and/or collaborations with training providers; and
- 2) seek funding through the VLSB or other grant sources for the delivery of such training.

The Readers' Course Committee should also consider how the curriculum could incorporate learning

⁷ Victorian Bar's *Innovate Reconciliation Action Plan*, October 2021 to September 2023, at [2.5].

opportunities in this area through existing practical training modules (for example, the session on making a bail application).

In terms of implementation of Recommendation 1, rule 11 of the CPD Rules offers a potential alternative, whereby VLSB introduces a CPD requirement of new barristers to complete, within their first 3 years at the Bar, training in a recognised Indigenous cultural competency course. This would allow new barristers more time to undertake the training. Given the limited timeframe within which it must be conducted, and the wide array of learning topics to cover, the Readers Course curriculum does not have unlimited capacity to deliver training in Indigenous cultural awareness/competency. If the VLSB engaged rule 11 to require this learning to be undertaken by new barristers over a 3-year timeframe, this would alleviate pressure on the Readers' Course curriculum and would provide scope for modular competency-based training, including flexible online delivery. This could be recognised prior learning for the purposes of the Indictable Crime Certificate (ICC) (see Recommendation 2). The Bar is engaging with VLSB to investigate this option, including course content and funding.

2. That the Indictable Crime Certificate Committee, as a matter of priority, consider how it can incorporate training in Indigenous cultural awareness/competency (including recognition of prior learning) into the ICC and the renewal process

The Working Group recognises that those practising in criminal law are likely to have a greater – and more direct - interaction with Indigenous clients, witnesses and victims of crime.

For junior barristers practising in criminal law, it is likely that they will (at least initially) be briefed to appear in the Magistrates' Court, appearing for clients charged with various offences, involving frequent interactions with Indigenous clients. Implementation of the Working Group's Recommendation 1 should, within the next few years, see a marked increase in the proportion of barristers in the early stages of their careers who have received basic training in Indigenous cultural awareness/competency. This will ensure that this cohort are well-placed to take advantage of further applied learning opportunities in this area through CPDs on discrete skills such as making bail applications and sentencing pleas (as identified at paragraph 3.3 above). Implementation of the Working Group's Recommendations 3 and 4 should see a significant increase in the availability of applied learning in the Bar's CPD Program.

As noted above, Recommendation 1 is focused on providing foundational training in this area to barristers at the start of their career at the Bar. Recommendation 2 is focused on broadening the pool of barristers, practicing in criminal law, who have training in Indigenous cultural awareness/competence. As explained below, this can be achieved through the ICC.

For more experienced barristers practising in criminal law, they may be briefed to conduct committals and trials involving indictable offences. In the context of these more serious charges, they will regularly deal with Indigenous clients and witnesses.

Under existing processes, barristers wanting to be eligible for VLA funded work in indictable crime

proceedings must be on the VLA's 'Preferred Barrister List'. This status is conferred upon a barrister who has an ICC (or has an active ICC application on foot). To obtain an ICC, a barrister must complete an online knowledge test and assessments on advocacy and jury skills. The ICC is overseen by the ICC Committee, a committee established by the Bar.

For many barristers applying for the ICC, they are likely to continue to have a substantial proportion of their work in summary proceedings.

VLA is a significant stakeholder in the administration of the criminal justice system in Victoria. With the ICC, the Bar provides an important system for assessing and certifying the competency of barristers to take briefs from VLA in indictable crime proceedings.

VLA has an important role in providing legal advice and representation to Indigenous people faced with criminal charges. In that context, VLA has provided the following feedback to the Working Group:

Across all practice areas staff are required to prioritise counsel who have the requisite specialist or technical skills necessary for the case and who can also effectively represent the needs of VLA's vulnerable and complex clients.

For First Nations clients, this will include seeking and prioritising counsel who have cultural competence and expertise working with First Nations people and whose expertise is independently recognised (and ideally validated by First Nations training providers or employers). Staff are required to prioritise continuity of representation where counsel is already engaged and of an appropriate level of skill and experience. This is particularly important for First Nations clients given the of relationships and trust.

VLA is keen to work with our partners (including the Bar and First Nations organisations) in obtaining information about counsel who have particular skills and expertise in providing legal services to First Nations people and who are willing to do legally aided work. We are in the process of consulting with parts of the Victorian Bar to address this issue as part of our Equitable Briefing Strategy.

The ICC Committee has indicated in principle support for the Working Group's Recommendation 2. It is the expectation of the Working Group that the ICC Committee will incorporate an appropriate training component in the ICC (with some process for recognised prior learning (**RPL**)). The scope and detail of that training will be a matter for the ICC to determine, taking account of VLA's requirements and expectations.

In terms of any new renewal requirements of existing ICC holders, the Working Group notes that the 3 yearly ICC renewal process has been recently simplified to require, over the 3-year period, the earning of 15 CPD points in CPDs approved by the Criminal Bar Association. These points also go toward meeting the barrister's 10 CPD points per year requirement in the CPD Rules. Again, it will be for the ICC Committee to review and determine any ICC renewal requirements. The Working Group noted that a potential option would be to introduce a requirement of existing ICC holders that they complete a

CPD session in Indigenous cultural awareness/competency (or provide evidence of RPL) within their renewal period.

3. That the Bar encourage the Bar Associations and Bar Committees to provide, within each CPD year, optional training in Indigenous cultural awareness/competency, including applied learning related to the practice of law in the specific practice areas

The Working Group recognised that imposing any mandatory conditions is not appropriate within the framework of the Uniform CPD Rules. Under the CPD Rules, the individual barrister is responsible for their own learning. No subject is mandated. Any reconsideration of this framework, including introducing mandates for completing certain subjects or modules, is appropriately a matter for the representatives of the participating jurisdictions in the Uniform Law.

The Working Group also recognises that the extent of interactions of individual barristers with Indigenous persons would significantly vary between practice areas.

That said, the Bar's CPD Program currently offers little content in this area, leaving barristers who want to upskill in this area with few options apart from going to outside providers.

The Bar needs to be proactive in building the content and range of this kind of training available to barristers under the Bar's CPD Program. A specific action in the Bar's RAP (at [2.6]) is to "[e]nsure that at least one seminar on legal issues relating to Aboriginal and Torres Strait Islander peoples and/or working with Aboriginal and Torres Strait Islander peoples is presented each year."

Implementation of the Working Group's Recommendation 3 would stimulate the provision of a range of practice area-specific CPDs in the category of barristers' skills and substantive law (see above at [3.5]-[3.7]), building upon foundational level training in Indigenous cultural awareness/competency.

The Bar relies on the Bar Associations and Committees to organise presenters through their membership ranks and to use their networks to invite guest speakers and to collaborate with associated organisations.⁸ In addition, Bar Associations and Committees can promote recognised external providers of training in this area to their members from time to time.

4. That the Victorian Bar, through InBrief or other means, regularly remind members as to the availability of training in Indigenous cultural awareness/competency and encourage them to attend

A list, similar to that produced by the IJC in September 2022 (see [3.3] above), could be regularly distributed to members. It ought to include providers previously advertised, as well as newer providers. This will raise awareness of barristers as to suitable training opportunities in the Bar's CPD Program as well as through external providers.

5. The IJC and the CPD Committee confer annually over the next 5 years to review the content and range

⁸ This would advance the specific action in [3.4] of the Bar's RAP: "Provide opportunities for Aboriginal and Torres Strait Islander lawyers to engage in professional educational opportunities with the Bar."

of training in Indigenous cultural awareness/competency in the Bar's CPD Program and report on the outcome of the review in their annual reports

Bar Associations and Committees are required to prepare annual reports and provide them to the Bar Council for inclusion in the Bar's Annual Report. Implementation of this recommendation would ensure that progress can be measured annually over the next 5 years.

Schedule 1

A. List of consulted stakeholders

Note: Stakeholders that provided a response are annotated with an asterisk ()*

Organisation	First Name	Last Name	Honorifics	Position	(*)
Aboriginal Community Elders Services Inc	John	Brown		Chairperson	
Aboriginal Housing Victoria	Tim	Chatfield		Chairperson	
Aboriginal Advancement League	Philip	Cooper		President	
Aboriginal Justice Caucus	Hansen	Marion	Aunty	Co-Chair	*
Aboriginal Justice Caucus	Harrison	Cristopher		Co-Chair	*
Ballarat and District Aboriginal Co-operative Ltd	Belinda	Hayden		Community Convener	
Bendigo & District Aboriginal Cooperative	Dallas	Widdicombe		Chief Executive Officer	
Children's Court Bar Association	Natalie	Sheridan-Smith		President	*
Commercial Bar Association	Stewart	Maiden	KC	President	*
Common Law Bar Association	James	Mighell	KC	Chair	*
Compensation Bar Association	Megan	Cameron		President	*
Continuing Professional Development Committee	Richard	Dalton	KC	Chair	*
Continuing Professional Development Committee	Rachel	Walsh		Deputy Chair	*
Continuing Professional Development Committee	Romauld	Andrew	SC	Member	*
Continuing Professional Development Committee	Ian	Horak	SC	Member	*
Continuing Professional Development Committee	Zoe	Maud	SC	Member	*
Continuing Professional Development Committee	Robert	O'Neill		Member	*
Continuing Professional Development Committee	Andrew	Meagher		Member	*

Organisation	First Name	Last Name	Honorifics	Position	(*)
Continuing Professional Development Committee	Glenn	Worth		Member	*
Continuing Professional Development Committee	Premala	Thiagarajan		Member	*
Continuing Professional Development Committee	Amit	Malik		Member	*
Continuing Professional Development Committee	Alistair	Pound	SC	Bar Council Representative	*
Continuing Professional Development Committee	Deborah	Siemensma		Member	*
County Koori Court	Terrie	Stewart		County Court Koori Court Coordinator	
Criminal Bar Association	David	Hallowes	SC	Chair	*
Dardi Munwurro	Alan	Thorpe		Director, Dardi Munwurro	
Djirra	Antoinette	Braybrook		CEO	
Djirra	Megan	Ross		Legal Policy Officer	
Djirra	Natalie	Larsek		Solicitor	
Djirra	Anne	Lenton		Managing Lawyer	
Djirra	Amy	Moore		Legal Policy Officer	
Dhumba Murmuk Djerring Unit, Court Services Victoria	Stewart	Terri		County Koori Court Manager	*
Family Law Bar Association	Geoffrey	Dickson	KC	Chairperson	
Gippsland & East Gippsland Aboriginal Co-operative	Shellee	Strickland		Chief Executive Officer	
Gunditjmara Aboriginal Cooperative	Ashley	Couzens		Chief Executive Officer	
Human Rights Committee	Dan	Star	KC	Chair	*
Human Rights Committee	Felicity	Gerry	KC	Deputy Chair	*
Human Rights Committee	Anthony	Krohn		Member	*
Human Rights Committee	Rohan	Millar		Member	*

Organisation	First Name	Last Name	Honorifics	Position	(*)
Human Rights Committee	Aggy	Kapitaniak		Member	*
Human Rights Committee	Stella	Gold		Member	*
Human Rights Committee	Eugenia	Levine		Member	*
Human Rights Committee	Evelyn	Tadros		Member	*
Human Rights Committee	Adam	McBeth		Member	*
Human Rights Committee	Shanta	Martin		Member	*
Human Rights Committee	Alexandra	James-Martin		Member	*
Human Rights Law Centre - ATSI Unit	Nick	Espie		Legal Director	
Indigenous Justice Committee	Timothy	Goodwin		Co-Chair	*
Indigenous Justice Committee	Serena	Armstrong		Co-Chair	*
Indigenous Justice Committee	Christopher	McDermott		Secretary	*
Indigenous Justice Committee	Duncan	Robertson		Member	*
Indigenous Justice Committee	Julia	Kretzenbacher		Member	*
Indigenous Justice Committee	Julie	Buxton		Member	*
Indigenous Justice Committee	John	Heard		Member	*
Indigenous Justice Committee	Julian	Murphy		Member	*
Indigenous Justice Committee	Nick	Boyd-Caine		Member	*
Indigenous Justice Committee	Cal	Viney		Member	*
Indigenous Justice Committee	Sophie	Coulson		Member	*
Indigenous Justice Committee	Daniel	Nguyen		Bar Council Representative	*
Indigenous Justice Committee	Kate	Stowell		Member	*
Industrial Bar Association	Malcolm	Harding	SC	President	
Judicial College of Victoria	Samantha	Burchell		Chief Executive Officer	*
Koori Justice Unit, Department of Justice and Community Safety				The appropriate officer	
Kurnai Legal Practice	Tessa	Theocharus		Principal Solicitor	

Organisation	First Name	Last Name	Honorifics	Position	(*)
Law & Advocacy Centre for Women	Elena	Pappas		CEO	*
Law Institute of Victoria	Adam	Awty		CEO	
Migration Law Bar Association	Georgina	Costello	KC	Chair	
New Barristers' Committee [engaged on 15 March 2023]	Shane	Lethlean		Chair	*
Victorian Bar	Kelly	Patrick		Member	*
Readers' Course Committee	Justin	Graham	KC	Chair	*
Readers' Course Committee	Anthony	Strahan		Deputy Chair	*
Readers' Course Committee	Christopher	Grady	KC	Member	*
Readers' Course Committee	Christopher	Archibald	KC	Member	*
Readers' Course Committee	Ben	Ihle	KC	Member	*
Readers' Course Committee	Albert	Dinelli	SC	Member	*
Readers' Course Committee	Erin	Gardner		Member	*
Readers' Course Committee	Sarah	Porritt		Member	*
Readers' Course Committee	Aphrodite	Kouloubaritsis		Member	*
Readers' Course Committee	Alexandra	Folie		Member	*
Readers' Course Committee	Georgia	Douglas		Member	*
Readers' Course Committee	Gordon	Chisholm		Member	*
Readers' Course Committee	Robert	Forrester		Member	*
Readers' Course Committee	James	McComish		Member	*
Readers' Course Committee	Nicholas	Walter		Member	*
Readers' Course Committee	Felicity	Fox		Member	*
Readers' Course Committee	Nadia	Deltondo		Member	*
Readers' Course Committee	Raini	Zambelli		Bar Council Representative	*
Readers' Course Committee	Bronia	Tulloch		Member	*
Regional Aboriginal Justice Advisory Committee - Barwon South West	Allan	Miller		Executive Officer	*

Organisation	First Name	Last Name	Honorifics	Position	(*)
Regional Aboriginal Justice Advisory Committee - Eastern Metropolitan	Jemima	Bannink		Executive Officer	*
Regional Aboriginal Justice Advisory Committee - Gippsland	Nicole	LeSage		Executive Officer	*
Regional Aboriginal Justice Advisory Committee - Grampians	Adina	King		Executive Officer	*
Regional Aboriginal Justice Advisory Committee - Hume	Jane	Ferguson		Executive Officer	*
Regional Aboriginal Justice Advisory Committee - Hume	Julie	Ferguson		Executive Officer	*
Regional Aboriginal Justice Advisory Committee - Loddon Mallee	Aimee	Jones		Executive Officer	*
Regional Aboriginal Justice Advisory Committee - Northern Metropolitan	Neerim	Callope		Executive Officer	*
Regional Aboriginal Justice Advisory Committee - Western Metropolitan	Douglas	Briggs		Executive Officer	*
Tarwirri	Tekan	Cochrane		Executive Officer	
Tax Bar Association	Eugene	Wheelahan	KC	President	*
Victoria Legal Aid	Alan	Dewis		Associate Director of Aboriginal Services	*
Victoria Legal Aid	Diana	Gleeson		Executive Director of Legal Practice	*
Victoria Legal Aid	Eleanor	Jenkin		Senior Policy and Projects Manager	*
Victorian Aboriginal Child Care Agency	Muriel	Bamblett		Chief Executive Officer	
Victorian Aboriginal Community Controlled Health Org.				The appropriate officer	

Organisation	First Name	Last Name	Honorifics	Position	(*)
Victorian Aboriginal Community Services Association Ltd	Linda	Bamblett		Chief Executive Officer	
Victorian Aboriginal Health Service	Michael	Graham		Chief Executive Officer	
Victorian Aboriginal Legal Service	Patrick	Warner		Legal Policy Officer	
Victorian Aboriginal Legal Service	Chelsea	Candy		Legal Practice Manager	
Victorian Aboriginal Legal Service	Anna	Gibson		Principal Managing Lawyer, Balit Ngulu	
Victorian Aboriginal Legal Service	Nerita	Waight		Legal Policy Officer	
Women's Barristers Association	Elizabeth	Ruddle	SC	Convenor	

B. Consultation letter

Name

Position

Organisation or body

Address

By email: _

Dear

Victorian Bar's response to the recommendations made by the Coronial Inquest into the Death of Veronica Nelson

On 30 January 2023, his Honour Coroner McGregor delivered his findings into the death of Veronica Nelson.

As a part of the inquest, his Honour reviewed the role of barristers who had appeared for and provided advice to Ms Nelson following her arrest.

In his finding, his Honour made specific recommendations about the provision of legal education that affect the Victorian Bar. Specifically, his Honour made the following two recommendations:

[16]. I recommend that the Victorian Legal Admissions Board consider requiring that Practical Legal Training course providers deliver compulsory Aboriginal and Torres Strait Islander cultural awareness training as part of the curriculum.

[17]. I recommend that the Legal Services Board and Commissioner and the Victorian Bar consider including Aboriginal and/or Torres Strait Islander cultural awareness training as mandatory requirements of continuing professional development for practising legal practitioners.

In response to his Honour's findings and recommendations, the Bar Council of the Victorian Bar has established the Veronica Nelson Inquest Response Working Group (the Working Group), chaired by Richard Dalton KC. The purpose of his working group is to provide the Victorian Bar's formal response to the to the recommendations made by his Honour. The Working Group's Terms of Reference as approved by the Bar Council on 2 March 2023 is provided at Attachment A.

Because many of the recommendations the Working Group will make to the Bar Council will involve (and potentially affect) other groups and organisations, the Working Group is seeking to engage with various organisations and groups about how we might best address these issues in a collective and collaborative manner. To that end, we would like your input or comments in response to some or all of the consultation questions from the Working Group. The consultation questions are provided at Attachment B.

Because of the need for the Victorian Bar to engage with the Victorian Legal Services Board + Commissioner (the VLSB+C), a timeframe for consultation and the drafting of a response has been established. At present, the initial draft of the Working Group's response is due by 17 March 2023, with a final settled draft for consultation with the VLSB+C due by 24 March 2023.

If possible, we would seek to have a response from your organisation or group to the consultation questions by midday, Tuesday 14 March 2023 so that it could be included in our draft response. Please provide your input by email directly to [REDACTED] and addressed to Mr Richard Dalton KC.

Should you have any queries, a member of the working group will contact you.

Sam Hay KC

President

The Victorian Bar Inc.

Richard Dalton KC

Chair, Veronica Nelson Inquest Response Working Group

The Victorian Bar Inc.

Encl.

ATTACHMENT A

Terms of Reference for the Veronica Nelson Inquest Response Working Group

Coroner McGregor has provided recommendations for consideration by the Victorian Bar in relation to legal education in Victoria following the Veronica Nelson inquest.

The report provides the following recommendations with respect to legal education:

Legal education

16. I recommend that the Victorian Legal Admissions Board consider requiring that Practical Legal Training course providers deliver compulsory Aboriginal and Torres Strait Islander cultural awareness training as part of the curriculum.

17. I recommend that the Legal Services Board and Commissioner and the Victorian Bar consider including Aboriginal and/or Torres Strait Islander cultural awareness training as a mandatory requirement of continuing professional development for practising legal practitioners.

The Working Group is asked to consider and develop a proposed whole of Bar response to Coroner McGregor's recommendations with respect to legal education following the Veronica Nelson inquest.

The Working Group's objectives will be to assist the Bar Council in strengthening the Bar's current education requirements and develop a draft submission that provides:

- a. a brief overview of the current cultural awareness training provided by the Bar, providing context and identifying key issues;
- b. targeted and practical recommendations regarding potential improvements, adjustments, or more focussed training at the Bar in respect of:
 - i. Indictable Crime Certificate requirements;
 - ii. related Readers' Course sessions;
 - iii. related CPD sessions; and
 - iv. other educational or training offerings at the Bar;
- c. a clearly stated position with reasoning for adoption by the Bar Council with respect to the proposed response to Coroner McGregor's recommendations, in consultation with the Victorian Legal Services Board, and in accordance with agreed timelines; and
- d. recommendations with respect to implementation and imbedding of the Working Group's recommendations, subject to Bar Council approval.



Sam Hay KC
President



Richard Dalton KC
Chair, Veronica Nelson Inquest Response Working Group

2 March 2023



CONSULTATION QUESTIONS

Veronica Nelson Inquest Response Working Group

To assist the Victorian Bar with its response to Coroner McGregor's recommendations, please provide your input on some or all of the issues raised below.

Specifically, the Working Group would be assisted by your input on the following issues:

1. What is your organisation or group's experience of how the justice system interacts with First Nations peoples?
2. What issues has your organisation or group identified as being the principal drivers of disadvantage experienced by First Nations people in the context of the work and legal services you provide?
3. When providing legal services to First Nations people, what is the experience of your organisation or group when briefing barristers in that context?
4. What is the availability of First Nations cultural awareness and cultural competence training in within your community or community network?
5. Would your organisation or group be assisted by the Victorian Bar providing (or collaborating with your organisation or body to provide) CPD programs tailored to:
 - i. First Nations cultural awareness and cultural competence training?
 - ii. assist practitioners to identify vulnerable or disadvantaged members of First Nations communities when providing legal services?
 - iii. specific legal issues relating to First Nations people and their interaction with the legal system?

C. Barrister clerks consulted.

Clerk	Response received
List A Barristers	N
Greens List	Y
Chapman's List	Y
Dever's List	Y
Foley's List	Y
Holmes List	Y
Lennon's List	Y
List G Barristers	Y
Meldrum's List	Y
Parnell's Barristers	N
Svenson's List	Y
Patterson's List	N
Young's List	Y

D. Barrister clerk consultation questions

Dear Clerks,

The Bar has established a Veronica Nelson Inquest Response Working Group tasked with drafting a response to Coroner McGregor's recommendations following the Veronica Nelson Inquest. The Working Group is Chaired by Richard Dalton KC and comprises of members from the Bar Council and various Bar committees.

Recommendation 17 from the Nelson report provides:

I recommend that the Legal Services Board and Commissioner and the Victorian Bar consider including Aboriginal and/or Torres Strait Islander cultural awareness training as mandatory requirements of continuing professional development for practising legal practitioners.

As part of its response to this recommendation, the Bar will be providing some information to the Coroner on what existing cultural awareness training there is at the Bar.

We would be grateful if clerks are able to respond to the following:

1. Has your List arranged (in the last 5 years) any cultural awareness training or cultural competency/safety training for the barristers on your List?
2. If you have, how often is this made available and were the sessions well attended?
3. Do you have preferred training provider(s)?
4. Please also provide information on any upcoming training planned in this space for the List.